

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT TO PENNSYLVANIA

EDWARD JOSEPH MCNATT
Petitioner

vs.

JUDGE OLIVER J. LOBAUGH
Respondent

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:
:
: C.A. No. 05-124 Erie
:
:
:

MOTION FOR EXTENSION OF TIME IN WHICH TO FILE RESPONSE

AND, now the 28th day of June, 2005, comes the Respondent, the Commonwealth, to request an extension of time in which to file a Response and in support thereof represents as follows:

1. On June 3, 2005, this Court ordered the District Attorney of Venango County, Pennsylvania, to respond to the allegations in the Petition for Writ of Habeas Corpus, within twenty days of service of the Order. The order was received by the District Attorney's office on June 9, 2005.
2. The attorney for the Commonwealth has not had adequate time to prepare a response in this case due to the recent trial term and other briefs that were also due.

3. The case is important to the Commonwealth and the attorney for the Respondent believes that an extension for filing the response will be necessary in order to adequately address the issues raised.

Wherefore, the Attorney for the Respondent respectfully requests that this Honorable Court grant an extension of 30 days from the June 29, 2005, deadline for the filing of said response, making the new deadline July 29, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maria Battista Kerle', written in a cursive style.

Maria Battista Kerle
Assistant District Attorney
Venango County Courthouse
Franklin, PA 16323
(814) 432-9598

PROOF OF SERVICE


I hereby certify that I am this day serving the foregoing document upon the person and in the manner indicated below which service satisfies the requirements of PA. R.A.P. 121;

Service by first class mail addressed as follows:

Honorable Susan Paradise Baxter
U.S. Magistrate Judge
U.S. District Court
USPO & Courthouse
617 State Street
Erie, PA 16501

Edward Joseph McNatt #DL-6772
SCI-Houtzdale
P. O. Box 1000
Houtzdale, PA 16698

DATED: June 28, 2005


Maria Battista Kerle
Assistant District Attorney